

REMARKS

The Examiner has rejected claims 1-8, 10-20, 22, and 24-26 under 35 U.S.C. §102(b) as being anticipated by U.S. Published Patent Application No. 2001/0053688 by Rignell et al., (hereinafter "Rignell"). In addition, the Examiner has rejected claims 9, 21, and 23 under 35 U.S.C. §103(a), whereby claim 9 is unpatentable as obvious over Rignell in view of U.S. Published Patent Application No. 2003/0195753 to Homuth; claim 21 is unpatentable as obvious over Rignell in view of U.S. Published Patent Application No. 2003/0178241 to Eriksson; and claim 23 is unpatentable as obvious over Rignell in view of U.S. Published Patent Application No. 2003/0023573 to Chan et al.

After careful review of prior art and particularly the primary reference, Rignell, the Applicant respectfully traverse the rejections made by the Examiner in light of the amendment made to the claims as now presented and the following arguments.

More particularly, the Applicant has amended claim 1 for clarification purposes to further define over Rignell. Specifically, claim 1 now recites that the device agent is programmed to capture the device profile data and execute at least one solution on the mobile device. Rignell, on the other hand does not teach or suggest the device agent of Applicant's claim 1. While Rignell teaches a means for generating a support request at the mobile unit (403), the mobile unit (403) does not receive support information for supporting a user in operation of the mobile unit. Furthermore, even though Rignell specifies that the mobile unit is "updated more or less automatically with new settings" (paragraph 93), there is no indication by Rignell as to how the "automatic updating" is performed, or which component of the mobile unit would perform the "automatic updating." As such, Rignell fails to teach or suggest a device agent programmed to capture the device profile data and execute at least one solution on the mobile device as recited in Applicant's claim 1. Thus, because each and every element has not been taught or suggested by the cited references, the applicant respectfully requests that the rejection of claim 1, and claims 2-8, and 10-13 depending therefrom be withdrawn.

The applicant has also amended claim 14 for clarification purposes to recite that the device agent is programmed to interact with the customer care application. Furthermore, Rignell does not teach or suggest the device agent "located within the mobile device remote from the customer care application in over-the-air communication with the

customer care application which is programmed to interact with the customer care application” as recited in claim 14. Rignell also fails to teach or suggest that the device agent of claim 14 is forwarded at least one solution for execution on the mobile device. Thus, because Rignell fails to teach each and every limitation recited in claim 14, the rejection of claim 14 and claims 15-20, and 22 depending therefrom should be withdrawn.

Claim 24 has also been amended to recite that the device agent is programmed to act as a proxy for capturing the device profile data from the mobile device and executing the at least one solution on the mobile device. Rignell, however, does not teach or suggest such a limitation, and it is respectfully requested the rejection of claim 24, and claims 25-26 depending therefrom should be withdrawn.

With respect to the obviousness rejection of dependent claims 9, 21, and 23, the Applicant submits that the device agent, and the device agent’s ability to gather profile data and ability to execute solutions as set forth in base claims 1 and 14 are not taught or suggested by Rignell, Homuth, Eriksson, or Chan individually or in any combination. Thus, the obviousness rejection of claims 9, 21, and 23 should be withdrawn, as each and every element of independent claims 1, and 14, from which claims 9, 21, and 23 depend from have not been taught or suggested individually or by the combination by the cited references proffered by the Examiner.

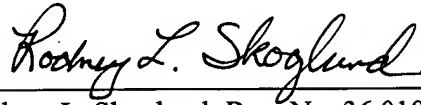
In view of the foregoing amendments and arguments presented herein, the Applicants believe that they have properly set forth the invention and accordingly, respectfully request that the Examiner reconsider and withdraw the rejections provided in the last Office Action. A formal Notice of Allowance of claims 1-26 is earnestly solicited. Should the Examiner care to discuss any of the foregoing in greater detail, the undersigned attorney would welcome a telephone call.

In the event that a fee required for the filing of this document is missing or insufficient, the undersigned attorney hereby authorizes the Commissioner to charge payment of any fees associated with this communication or to credit any overpayment to Deposit Account No. 18-0987. If a withdrawal is required from the Deposit Account, the undersigned Attorney respectfully requests that the Commissioner of Patents and Trademarks cite Attorney Docket Number DWW.P.US0003 for billing purposes.

Application No. 10/822,092
Response to Office Action of January 25, 2006

A one-month extension of time request and the requisite fee therefor accompanies this response.

Respectfully submitted,

A handwritten signature in cursive script, reading "Rodney L. Skoglund". The signature is written in dark ink and is positioned above a horizontal line.

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